

**REMARKS**

This responds to the Office Action mailed on August 25, 2005, and the references cited therewith.

Claims 8, 12, 13, 34 and 35 are canceled; as a result, claims 1-7, 9-11 and 14-33 are now pending in this application.

**§103 Rejection of the Claims**

Claims 1-7, 9-11, 14-26 and 29-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over White et al (U.S. 6,804,825) in view of Allport (U.S. 6,104,334), Waggaman et al (U.S. 6,667,684) and Shen et al (U.S. 6,401,059). Applicant respectfully traverses the Examiner's rejection.

Regarding claim 1, White et al. disclose a video on demand system having a "head-end" (Ref. 12) including one or more services servers (Ref. 30) that outputs HTML-based programming (col. 2, lines 27-31), as well as other components associated with cable television for receiving satellite broadcasts and producing corresponding analog video signals (Fig. 2; col. 2, lines 23-27); network (Ref. 16) comprising coaxial cable or optical fiber extending from head-end (Ref. 12) to distribution node (Ref. 20) (col. 2, lines 8-10); WebTV terminal (Ref. 14; col. 2, line 59) linked to a distribution node (Ref. 20 as shown in Fig. 2) by premises cables (Ref. 22 as shown in Fig. 2; col. 2, lines 11-12), wherein the client WebTV terminals are enhanced (col. 2, line 58); and remote control (Ref. 52; col. 2, lines 61-62) that serves to relay user commands to the terminal (col. 3, lines 27-29).

In contrast, Applicant's claim 1 recites in pertinent part; "a digital content server for storing digital content acquired from a global computer network; a plurality of remote clients located in rooms . . . linked to the digital content server wherein the remote clients comprise two or more of a television, compact disc player, video disc player, video cassette recorder, radio, and game system; and a portable remote control . . . for establishing a wireless link for communicating with each of the remote clients and selecting the digital content stored in the digital content server; wherein the digital content is encrypted and at least one of the digital content server and the plurality of remote clients includes decryption circuitry . . . and wherein

the remote control contains a key code and wherein the decryption circuitry receives the key code from the remote control and unlocks the digital content if the key code is associated with an unlock code in the digital content.”

Applicant’s claim 1 is distinguished from White et al. in that White et al. disclose a system architecture that is different from Applicant’s. White et al. disclose an on-demand video distribution system, a portion of which includes a server imbedded along with receiver system and separate storage media (col. 2, lines 27-31; see also Refs. 28, 30 of Fig. 2). In contrast, Applicant’s digital content server, for example, is not imbedded.

White et al. disclose server content acquired through a conventional analog and digital video broadcast channels (col. 2, lines 38-45 and lines 50-53; see also Refs 26, 34, 36 of Fig. 2). In contrast, Applicant’s server content is obtained through a global computer network.

The network disclosed in White et al. connects distribution node to the “head end” that includes a content server. White et al do not teach head-end architecture, but merely disclose a partial listing of includable components (col. 2, lines 23-31). In contrast, Applicant’s discloses a global computer network connecting digital content server to content provider.

White et al disclose a plurality of enhanced WebTV terminals connected to a distribution node by premises cables, a distribution note connected to either a proxy server or head-end (Fig. 2). In contrast, Applicant’s remote clients are connect to distribution hub, for example an Ethernet hub, that operates as distribution node and proxy server. Further, Applicant’s remote clients are standard components and are not enhanced terminal WebTV terminal.

In White et al, the remote control is only for relaying commands to the WebTV terminal. In contrast, Applicant’s remote control, for example, includes a key code and communicates with each remote client as “essentially a personal digital assistant (i.e., hand-held computer).” Applicant’s claim 1 further includes a key code in the remote with an unlock code in the digital content.

Therefore, in Applicant’s view claim 1 is distinguishable from White et al as to each and every element. In Applicant’s view, White et al does not teach or suggest any of Applicant’s claim 1 elements.

Regarding claims 2-11 and 14-17, claim 2-11 and 14-17 are dependent upon base claim

1. Applicant believes base claim 1 is allowable and therefore, claim 2-11 and 14-17 are also allowable.

Regarding claim 3, White et al disclose a TV (col. 1, line 25). In contrast Applicant's claim 3 recites in pertinent part, "the playable format is compatible with a standard component". Applicant discloses, for example, digital content is converted to analog format. Applicant is unable to find any such teaching in White in Examiner's citation. Therefore, in Applicant's view claim 3 is distinguishable from White et al.

Regarding claim 4, White et al disclose a head-end for storage of an MPEG encoded signal (Ref. 12, lines 27-29), wherein the remote client terminal (Ref. 14, col. 2, line 58) has an MPEG decoder (Ref. 62; col. 2, lines 63-64; see also Ref. 14 shown in Fig. 3). In contrast Applicant's claim 4 recites in pertinent part, "the digital content server converts the selected digital content to a playable format". White et al disclose an enhanced WebTV terminal with a MPEG decoder, whereas Applicant's claim 4 expressly includes converting digital content to playable content at digital content server. Therefore, in Applicant's view claim 4 is distinguishable from White et al.

Regarding claim 5, White et al disclose proxy server (Ref. 24) and separate distribution node (Ref. 20). (see also Fig. 1). White et al further disclose enhanced WebTV terminals (Ref. 14) are connected to distribution node (Ref. 20) using individual subscriber premises cables (Ref. 22, col. 2, lines 9-11). In contrast, Applicant's claim 5 recites in pertinent part, "remote clients are linked to the digital content server via a distribution hub, and the remote clients are linked to the distribution hub by a backbone transmission network." White et al discloses separate distribution node and proxy server, whereas Applicant's distribution hub serves as distribution node and server. Therefore, in Applicant's view claim 5 is distinguishable from White et al.

Regarding claim 6, White et al disclose that each enhanced WebTV terminal includes a remote control (Ref. 52). In contrast, Applicant's claim 6 recites in pertinent part, the "remote control includes means for establishing a first wireless transmission link with each of the remote clients." White et al discloses each terminal has an associated remote, whereas Applicant's claim 6 includes a remote control for linking all clients. Further, White et al so not teach

decryption circuitry or key code. Therefore, in Applicant's view claim 6 is distinguishable from White et al.

Regarding claim 7, White et al disclose a remote enabled to display content on the TV screen (Fig. 4). In contrast, Applicant's claim 7 recites in pertinent part, the remote is "enabled to display and select the digital content available on the digital content server." White et al discloses a remote for displaying content on a TV screen, whereas Applicant's claim 7 includes a remote for displaying the contents of the server on the remote display. Applicant can find no such teaching cited by Examiner as in the White disclosure. Therefore, in Applicant's view claim 7 is distinguishable from White et al.

Regarding claim 9, White et al expressly disclose only a conventional IR interface (Ref. 54; col. 2, line 61). White et al further disclose two types of channels: a programming channel from head-end to client terminal (col. 3, lines 62-66) and a viewer channel (col. 3, lines 66-67). In contrast, Applicant's claim 9 recites in pertinent part, a "first wireless transmission link is selected from a group consisting of a radio link and an infrared link." Applicant can find no such teaching in White cited by Examiner. Therefore, in Applicant's view claim 7 is distinguishable from White et al.

Regarding claim 14, White et al expressly disclose a display screen (Ref. 44) used for conventional TV (col. 3, lines 14-15) is included in each enhanced WebTV terminal. (col 2., lines 58-60). In contrast, Applicant's claim 14 recites in pertinent part, "one or more of the remote clients are integrated into respective standard components". White et al disclose a conventional CRT display integrated into the client, whereas Applicant's claim 14 includes remote clients integrated into standard components. Therefore, in Applicant's view claim 14 is distinguishable from White et al.

Regarding claims 15-17, claims are dependent upon base claim 1. Applicant believes base claim 1 is allowable and therefore, claims 15-17 are also allowable.

Regarding claim 18, White et al disclose a video on demand system having a "head-end" (Ref. 12) including one or more services servers (Ref. 30) that outputs HTML-based programming (col. 2, lines 27-31), as well as other components associated with cable television for receiving satellite broadcasts and producing corresponding analog video signals (Fig. 2; col. 2, lines 23-27); and linking enhanced WebTV terminals (Ref. 14) to head-end (Ref. 12) through

a distribution node and proxy server (Ref. 20, 22). In contrast Applicant's claim 18 recites in pertinent part, "storing digital content acquired from a global computer network at a digital content server; . . . linking the remote clients to the digital content server; and selecting the digital content stored at the digital content server . . . wherein the digital content is encrypted and at least one of the digital content server and the plurality of remote clients includes decryption circuitry . . . wherein the remote control contains a key code . . . unlocks the digital content if the key code is associated with an unlock code in the digital content."

Applicant's claim 18 is distinguishable from White et al for reasons provided in Applicant's claim 1 response to Examiner's rejection. In addition, White et al disclose a distribution node without further teaching, whereas Applicant's Ethernet hub (for example, Ref. 12) functions as distribution node and server. Therefore, in Applicant's view claim 18 is distinguishable from White et al as to each and every element.

Regarding claims 19-32, claim 19-32 are dependent on based claim 18. Applicant believes base claim 18 is allowable and therefore, claim 19-20 are also allowable.

Regarding claim 21, White et al disclose that head-end includes fast digital disk arrays and/or optical storage for storage of MPEG-encoded digital video for on-demand delivery (col.2, lines 27-30). In contrast Applicant's claim 21 recites in pertinent part, "[t]he method of claim 18, further including converting, at the digital content server, the selected digital content to a playable format . . ." White et al disclose storing encoded video at the head-end whereas Applicant's claim 21 includes converting encoded content (for example video) at server. Therefore, in Applicant's view claim 21 is distinguishable from White et al.

Regarding claim 22, White et al, disclose a plurality of WebTV enhanced terminals (col. 2, line 58) linked to head-end by distribution node (Ref. 20 of Fig. 1) through a proxy server (Ref. 24 of Fig. 2). White et al do not teach head-end architecture, but merely disclose a partial listing of includable components (col. 2, lines 23-31). White et al further disclose in Fig. 3 that the various communication links (col. 3, lines 33-34) do not entail backbone transmission and in fact are independent (Refs. 58, 60). In contrast, Applicant's claim 22 recites in pertinent part, "[t]he method of claim 18 . . . includes linking the remote clients to the digital content server via a distribution hub and linking the remote clients to the distribution hub by a backbone transmission network." White et al disclose distribution node and proxy server are separate and

where remote enhanced WebTV terminals (col. 2, line 58) are connected to distribution node (Ref. 20) by premises cables (col. 2, lines 10-11; Ref. 22 of Fig 1), whereas Applicant's claim 22 includes an Ethernet hub (for example, Ref. 12) functions as distribution node and server, and linked to remote clients by a backbone transmission network. Therefore, in Applicant's view claim 22 is distinguishable from White et al.

Regarding claim 25, Examiner has not provided a reason for rejection. Applicant therefore requests allowance.

Regarding claim 32, White et al disclose a search feature (Ref. 68 of Fig. 4) permitting the user to search a database of available videos by title, etc. Applicant's claim 32 recites in pertinent part, “[t]he method of claim 31 . . . includes controlling the digital content server to sort and categorize the digital content on the digital content server.” White et al disclose selecting content by category, whereas Applicant's claim 32 includes sorting and categorizing content. Applicant is unable to find any such teaching cited by Examiner as in White et al. Therefore, in Applicant's view claim 32 is distinguishable from White et al.

Regarding claim 33, White et al disclose a video on demand system having a “head-end” (Ref. 12) including fast digital disk arrays and/or optical storage for storage of MPEG-encoded digital video for on-demand delivery (col. 2, lines 28-30); display screen that is a CRT of the type conventionally used in consumer televisions (col. 3, lines 14-15) for each enhanced WebTV terminal; and remote control (Ref. 52; col. 2, lines 61-62) that serves to relay user commands to the terminal (col. 3, lines 27-29).

In contrast, Applicant's claim 33 recites in pertinent part, “a digital content server for storing digital content acquired from a global computer network and converting the digital content to a playable format; a plurality of remote clients . . . linked to the digital content server; and a portable remote control for communicating with each of standard component and selecting the digital content to be converted . . . wherein the digital content is encrypted . . .”

Applicant's claim 33 is distinguished from White et al in that White disclose a system architecture that is different from Applicant's. White et al disclose an on-demand video distribution system, a portion of which includes a server imbedded along with a receiver system and (separate) storage media (col. 2, lines 27-31; see also Refs. 28 and 30 of Fig. 2) for storing MPEG encoded video. White et al do not teach head-end architecture, but merely disclose a

partial listing of includable components (col. 2, lines 23-31). In contrast, Applicant's digital content server, for example, is not imbedded and includes converting digital content into playable format.

In White et al, server content obtained from conventional analog and digital video broadcast channels (col. 2, lines 38-45 and lines 50-53; see also Refs 26, 34, 36 of Fig. 2). In contrast, Applicant's digital content is obtained through a global computer network.

White et al disclose a remote control for relaying commands to the enhanced WebTV terminal. In contrast, Applicant's remote control, includes a key code and communicating with each remote client as "essentially a personal digital assistant (i.e., hand-held computer)."

Therefore, in Applicant's view claim 33 is distinguishable from White et al as to each and every element.

With respect to the claimed combination of White et al (U.S. 6,804,825), Allport (U.S. 6,104,334), Waggamon et al (U.S. 6,667,684), and Shen et al (U.S. 6,401,059), Examiner is reminded that the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. M.P.E.P. § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

Applicant respectfully submits White et al, Waggamon et al, Allport and Shen et al individually and in combination do not teach or suggest each and every element of Applicant's claim 1, 18 and 33. For example, claim 1, 18 and 33 recites in pertinent part, "an unlock code in the digital content." Applicant is unable to find any teaching or suggestion in the White, Waggamon, Allport and Shen disclosures. Therefore, in Applicant's view claims 1, 18 and 33 are distinguishable from White, Waggamon, Allport, and Shen in combination.

Claims 2-7, 9-11 and 14-17 are dependent on based claim 1, and claims 19-32 dependent on base claim 18, Applicant believes base claim 1 and 18 are allowable, and therefore claim 2-7, 9-11, 14-17, and 19-32 are also allowable.

Applicant respectfully submits there is no motivation to combine the Allport and White disclosures. Allport expressly states that remote controls used operate to WebTV (col. 3, lines 22-23) affect the TV viewing screen (col. 3, line 28), particularly where used in conjunction with standard components such automated home appliances like CD players (col. 3, lines 28-36).

Contrary to Allport, White et al teach a remote for WebTV (col. 2, lines 58-62). Allport further states that remotes such as palm-top PCs are relatively costly for remote control applications (col. 3, lines 41-42), and that limited IR ranging cause unreliable command execution (col. 3, lines 47-50). In contrast, Applicant discloses a remote, including IR (Fig. 1), that “is essentially a personal digital assistant (i.e., a hand-held computer)” (see Description of Specific Embodiments). Allport fails to teach or suggest Applicant’s invention, and therefore Applicant respectfully traverses Examiner’s rejection based on Allport.

Applicant respectfully submits there is no motivation to combine Waggamon et al and White et al. The combination of Waggamon and White disclosures would destroy the stated purpose of both, and their combination teaches away from Applicant’s claims 1, 18, and 33.

Waggamon expressly state their invention is intended to solve the problem of unauthorized access (col. 2 lines 20-22), in part where the “initial transmission of the authorized code may be electronically intercepted” (col. 1, lines 37-40). Waggamon et al disclose in the abstract a remote control garage door opener using a code hopping method to prevent “code grabbing” by an unauthorized receiver. The transmitter and receiver merely swap codes “each time the transmitters are used” . . . “by momentarily actuating a receiver learn mode button.” (Abstract). On the other hand, White et al disclose an interactive video system intercoupled through a network extending to distribution nodes within neighborhoods (col. 2, lines 4-9). The combination of White et al and Waggamon et al would result in code sharing, contrary to Waggamon, or area-wide blocking of signal reception, contrary to White.

In contrast, Applicant’s claims 1, 18, and 31 recite in pertinent part, “wherein the decryption circuitry receives the key code from the remote control and unlocks the digital content if the key code is associated with an unlock code in the digital content.” Applicant’s decryption key is purposely made available throughout the entire network for interception. Applicant’s disclosure is further distinguished from Waggamon et al. Applicant’s decryption key includes for example, imbedding the decryption key in the digital content transmitted area-wide without a receiver identifier or learn button, whereas Waggamon et al teach the identification code and decryption key are all that is transmitted (between the door opener and remote). Further, Waggamon et al swap code each time the remote is used. Waggamon et al

disclose an invention intended to limit access to the key code, whereas Applicant's key code, for example, in claims 1, 18, and 33 is broadly accessible.

Regarding Waggamon et al, Applicant respectfully traverses Examiner's conclusion that "[i]t is well known in the art to provide encryption, decryption and key codes for security, as taught by Waggomon et al. (abstract)." Examiner appears to be taking official notice. Applicant therefore requests Examiner provide a corresponding reference indicating that it is well known following the guidance provided in M.P.E.P. § 2144.03.

Regarding Shen et al, Applicant respectfully traverses Examiner's conclusion that "[i]t is well known in the art for a single remote control to operate multiple devices, as taught by Shen et al. (figure 1B)." Examiner appears to be taking official notice. Applicant therefore requests Examiner provide a corresponding reference indicating that it is well known following the guidance provided. in M.P.E.P. § 2144.03.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6976 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 25th day of October, 2005.

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